

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

STIPULATION OF
EXPECTED TESTIMONY

Lt Col (Retired) Martin Nehring

1st June 2013

It is hereby agreed by the Accused, Defense Counsel, and Trial Counsel, that if Lt Col (Retired) Martin Nehring were present to testify during the merits and pre-sentencing phases of this court-martial, he would testify substantially as follows.

1. I am a retired Lieutenant Colonel in the United States Air Force. I have a BS in Petroleum Engineering from New Mexico Institute of Mining and Technology in 1982. I received a Masters of Public Administration from Troy University in 1995. I began serving on active duty in the United States Air Force in 1985 as a second lieutenant. During my career, I spent 12 years on active duty and 16 years in the California Air National Guard. I retired in 2012. I deployed to Kuwait in 2001 with the Third Army. I also deployed to Kosovo in 2002 for weather operations. In 2006, I deployed to Afghanistan and ran all weather operations in Afghanistan. Throughout my career in the Air Force as a trained meteorologist, I possessed a TOP SECRET clearance and handled TOP SECRET information. I handled classified information at the beginning of my service in 1985 and had training in how to handle and identify classified information. I worked with classified information at all times during my military career.

2. From 2009 to February 2012, I worked at United States Central Command (USCENTCOM). I worked in a Sensitive Compartmented Information Facility (SCIF) at USCENTCOM. Initially, I worked at the weather desk. After USCENTCOM discontinued the weather desk, I was reassigned under the USCENTCOM Directorate of Operations (J3) as the J3 subject matter expert (SME) for identifying J3 classified equities within United States Government official documentation. In this capacity, I was primarily responsible for reviewing documents being processed under the Freedom of Information Act (FOIA) which belonged to or contained information from USCENTCOM J3. For FOIA requests, I reviewed the requested information for classified information to determine whether the document could be released under the FOIA. Additionally, I conducted review for release of information to family members of Service Members who were killed, wounded, or kidnapped within the USCENTCOM theaters of operations and the media. I also conducted separate reviews for coalition partners because the standards were different for each. Family members and the media could only receive unclassified information. Coalition partners could receive certain classified information. Classified information in a document could not be released under the FOIA even if the remainder of the document contained publicly available information because the information is still protected.

3. In my capacity as the J3 SME, I reviewed documents pertaining to United States v. Private First Class Bradley Manning, which the prosecution provided to USCENTCOM. The documents provided by the prosecution (submitted documents) included, among others, documents from the

PROSECUTION EXHIBIT 112 for identification
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Combined Information Data Network Exchange Iraq (CIDNE-I), the Combined Information Data Network Exchange Afghanistan (CIDNE-A), other documents related to the AR 15-6 investigation of the Farah incident, and a file named "BE22 PAX.zip" containing a video named "BE22 PAX.wmv" (Gharani video).

4. I was tasked through the J3 Task Management Tool. I received the submitted documents from the USCENTCOM JAG office. My assignment required me to determine whether the submitted documents contained classified information at the time they were compromised. I reviewed the documents for classified USCENTCOM J3 equities.

5. To determine whether submitted documents were classified at the time of compromise, I used three classification guides. I used a USCENTCOM classification guide dated before OPERATION IRAQI FREEDOM, the updated version of that USCENTCOM classification guide dated during OPERATION IRAQI FREEDOM, and the version of the USCENTCOM classification guide that was current at the time I conducted the classification review. I did not consider the following in making any determination: (1) what, if any, of this material was included in open source reporting, (2) what, if any, of this material was available in unclassified publications (e.g. Army Regulations or Field Manuals), and (3) what, if any, of this material may have been shared at the tactical level during the key leader engagements described below.

6. I applied a process-oriented approach toward applying the classification guide to each of the submitted documents. First, I would determine the date of the document and use the classification guide appropriate for each document's date. I would determine the document's classification at the time the document was created. Documents I determined that were unclassified were removed from the collection of submitted documents. In fact, I approached the documents with a "FOIA mindset" and tried to ensure each document was not actually classified. I did not presume any document was classified and reviewed each line in each document for classified information.

7. Second, I reviewed the document to determine if it was classified at the time of it was compromised according to the appropriate security classification guides. I reviewed documents for USCENTCOM J3 equities. Documents containing intelligence were sent to Mr. Louis Travieso for further review for USCENTCOM J2 equities. I conducted a line by line review and reviewed each document for USCENTCOM J3 equities by applying specific paragraphs of the classification guide(s) from the appropriate time period. Where the reviewed document contained USCENTCOM J3 equities as determined by the appropriate USCENTCOM classification guide, I marked the document as containing information I believed to be sensitive and classified. I annotated the basis for each classification decision in my sworn declaration dated 19 October 2011, which is BATES numbers: 00527370-00527377. **Prosecution Exhibit (PE) 86 for Identification** is my declaration. All documents noted in the declaration contained classification markings at the SECRET level (hereinafter "J3 reviewed documents").

8. The J3 reviewed documents consisted of documents collected from CIDNE-I, CIDNE-A, other documents related to the Farah investigation, and the Gharani video. The reviewed documents contained military information, to include military plans, weapons systems, or operations; foreign government information; significant activity reports (SIGACTs); operational code words when identified with mission operations; SIGACTs related to fact of and general type of IED attack at specific location on specific date; participating units, including types of

vulnerabilities, locations, quantities, readiness status, deployments, redeployments, and details of movements of US friendly forces; concept of operations (CONOPS), operation orders (OPORD), or fragmentary orders (FRAGOs); vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to national security; and limitations and vulnerabilities of US forces in combat area.

9. CIDNE-I and CIDNE-A contained SIGACT reports. The SIGACTs were marked as SECRET. Within the SIGACTs, several categories appeared multiple times. These categories include key leader engagements, mission report logs, reports on improvised explosive devices (IEDs) and tactics, techniques, and procedures (TTPs) in response to IEDs, and reports and responses for missions focused on duty status – whereabouts unknown (DUSTWUN).

10. Key leader engagements described interactions of members of the military with local leaders in Iraq and Afghanistan regarding a broad range of topics. Disclosure of the key leader engagements would reveal foreign government activities, the involvement of Servicemembers with local foreign leaders, and the identities of local leaders.

11. Mission report logs described troop movements, activities, and engagements with hostile forces. The mission report logs describe tactics, troop locations, weapons and military equipment used.

12. IED reports detailed the casualties inflicted on Servicemembers, the locations of the attacks, and TTPs for detecting and responding to IED attacks. The IED reports recount the attacks of hostile forces, troop locations, and the capabilities of United States forces.

13. DUSTWUN reports stated the names and other personal information of kidnapped Servicemembers and the TTPs in response to locate the kidnapped Servicemember. The DUSTWUN reports state troop locations, tactics, encounters by military forces with hostile forces and foreign nationals.

14. The 53 CIDNE-I reports that contained J3 equities are located in **Appellate Exhibit (AE) 501** and that have the BATES numbers: 00377912-00377918, 00377921-0377933, 00377935-00337938, 00377940-00377949, 00377952-00377958, 00377960-00377963, 00377965-00377980, 00377983-00377986, 00377988-00378013, and 00378016-00378026. These CIDNE-I reports are contained within **PE 88 for ID**. The 36 CIDNE-A reports that contained J3 equities are located in **AE 501** and that have the BATES numbers: 00377846-00377846, 00377849-00377856, 00377860-00377871, 00377874-00377883, 00377886-00377905, and 00377907-00377910. These CIDNE-A reports are contained within **PE 89 for ID**.


15. The J3 reviewed documents contain SIGACT reports from CIDNE-I that I determined contained classified information according to the applicable security classification guides. These SIGACT reports from CIDNE-I were all marked "SECRET." Additionally, the J3 reviewed documents contain SIGACT reports from CIDNE-A that I determined contained classified information according to the applicable security classification guides. These SIGACT reports from CIDNE-I and CIDNE-A were all marked "SECRET." The J3 reviewed documents within **PE 88 for ID** and **PE 89 for ID** contain multiple forms of military information, to include but not limited to the following: (1) threat of attack in an area by a specific group; (2) confirmed that a previously reliable source of intelligence provided information; (3) involved direct and indirect

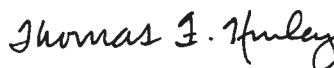
fire reports; (4) reported casualties; (5) reported loss of equipment; (6) stated types of weapons encountered in an enemy engagement; (7) reported the effectiveness of IED attacks; (8) reported the locations of IED attacks; (9) identified IED TTPs for responding to IED attacks; (10) identified TTPs for identifying and neutralizing IEDs; (11) identified by name suspects in investigations; (12) identified quick response force mobilization TTPs; (13) identified code words; (14) involved friendly action reports; (15) stated details of military missions; (16) named multiple enemy groups; (17) reported lack of casualties; (18) reported lack of loss of equipment; (19) identified general enemy TTPs; (20) involved an enemy small arms fire report; (21) identified enemy target by name; (22) stated effectiveness of enemy actions; (23) described a military raid; (24) identified sources and methods of intelligence collection; (25) identified responses based on intelligence gathered; (26) detailed arrest of a suspect; (27) stated detention of a suspect would have a significant impact on military operations; (28) described friendly action of finding and clearing caches; (29) involved a border operations report; (30) described a civil disturbance; (31) identified unit locations; (32) reported enemy casualties; (33) stated planned unit movement; (34) stated details of combat patrols; (35) described key leader engagement; (36) assessed effectiveness of local outreach programs; (37) detailed kidnapping of a Servicemember; and (38) described initiation of DUSTWUN procedures.


16. Additionally, I reviewed documents from the AR 15-6 investigation into a military operation that occurred in Farah province, Afghanistan on or about 4 May 2009. The AR 15-6 Investigation into the Farah incident was focused on investigating the circumstances surrounding a large-scale civilian casualties (CIVCAS) incident. The incident occurred in Gharani, which is a village in Farah Province, Afghanistan. The documents from the AR 15-6 investigation that contained J3 equities are located in **AE 501** and that have the BATES numbers: 00377425-00377492, 00377496-00377498, 00377627-00377637, 00377674-00377675, and 00378029-00378081. These documents are contained within **PE 90 for ID**. As noted in **PE 90 for ID I** found that these documents contained information I believed to be sensitive classified because they reveal operational activities, weapons systems, and code words.

17. As part of my review of the Farah documents, I reviewed a file named "BE22 PAX.zip" containing a video named "BE22 PAX.wmv" (hereinafter "Gharani video"). **PE 66 for ID** is a CD that contains both files I reviewed. The Gharani video depicts portions of a military operation in the Farah Province, Afghanistan. The Gharani video reveals operational code words associated with the mission. The video also reveals operational activities including troop movements and weapons systems. Finally, the video includes specific information contained on the heads-up display.

18. After my review of the above referenced documents for USCENTCOM J3 equities, I forwarded my conclusions and recommendations to Deputy Commander, USCENTCOM an Original Classification Authority for his final determination as to whether the information is properly classified.


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